

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/787,130
Attorney Docket No. Q80148

REMARKS

Upon entry of the present Amendment, claims 1-16 are all the claims pending in the application. Claims 5, 6, and 14 have been withdrawn from further consideration by virtue of the Response to Restriction Requirement and Election of Species Requirement of July 15, 2005. Claims 1, 2, 4, and 7-9 are amended, and new claims 15 and 16 are added. No new matter is presented.

Claim Objections

The Examiner has objected to claims 1-13 for informalities. Applicant notes that the preamble of claims 7-9 is amended to recite a “fishing rod”. Thus, the objection is believed to be overcome, and reconsideration and withdrawal of the objection of claims 1-13 is requested.

Claim Rejections - 35 USC § 112

Claims 1 and 12 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner asserts that there is insufficient support in the original disclosure for the phrase “concealing film”, as recited in claims 1 and 12. Applicant hereby amends the specification to clarify the disclosure of the recited concealing film. Applicant submits that support for the added disclosure can be found at least at pages 9 and 14, as well as Figures 1-4 of the instant Specification. Thus, no new matter is believed to be added. Accordingly, reconsideration and withdrawal of the rejection of claims 1 and 12 under 35 U.S.C. § 112, first paragraph, is respectfully requested.

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Claim 3 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, the Examiner asserts that the phrase “visually confirmable” is confusing.

Initially, Applicant notes that the phrase “visually confirmable” is recited in claim 2, but is not recited in claim 3, which depends from claim 2. Further, claim 2 is amended to recite that the “tubular body is visually discernible through an outside surface of the synthetic resin body”. Claim 2, as amended, is therefore believed to be sufficiently definite, and reconsideration and withdrawal of this ground of rejection is requested.

Claim Rejections - 35 USC § 102

Yamamoto '223

Claims 7-9 stand rejected under 35 U.S.C. 102(b) as being anticipated by Yamamoto et al. (U.S. Patent No. 5,048,223, hereinafter “Yamamoto ‘223”). Applicant respectfully traverses this ground of rejection.

Claim 7 defines a fishing rod comprising, *inter alia*, a rod pipe; a reinforced tubular body to which the rod pipe is inserted and fitted; and a synthetic resin body which is integrally molded with an outer side of the tubular body, includes a portion larger in thickness than the tubular body and is made of a material softer than that of the tubular body. Notwithstanding the Examiner’s rejection, Applicant submits that Yamamoto ‘223 cannot properly be relied upon to teach or suggest *at least* the feature of the claimed synthetic resin body “which is integrally molded with an outer side of the tubular body.”

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In this regard, Applicant notes that Yamamoto teaches that the second grip member 14, which the Examiner analogizes to the synthetic resin body, is connected to the reel mounting member 12 by thin nut 16, which is screwed onto external threads 12c of reel mounting member 12. *See* Yamamoto '223 at col. 4, lines 24-20. Thus, as the second grip member 14 is screwed onto reel mounting member 12, Yamamoto '223 does not suggest a synthetic resin body which is integrally molded with an outer side of the tubular body. Further, the first grip member 13, which the Examiner also analogizes to the claimed synthetic resin body, is not disclosed as being integrally molded with reel mounting member 12. Rather, Yamamoto '223 merely teaches that first grip member 13 has a "hollow cylindrical configuration", and the first grip member 13 is formed with an "oblique surface 13a connected to the oblique surface 12d of the reel mounting member 12." *See* Yamamoto '223 at col. 4, lines 41-45. Therefore, neither the first grip member 13 nor second grip member 14 suggests the synthetic resin body, as claimed.

By contrast, the synthetic resin body of the fishing rod defined by claim 7 is formed integrally with the reinforced tubular body by molding. Thus, the reinforced tubular body is fixed to the synthetic resin seat body such that water and dust are prevented from penetrating into a gap therebetween. *See, e.g.*, Specification at page 13.

As evidenced by the foregoing, Yamamoto '223 fails to teach or suggest all the limitations of claim 7. Accordingly, reconsideration and withdrawal of the rejection is requested. Further, claims 8-9 are believed to be allowable at least by virtue of depending from claim 7.

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Yamamoto '302

Claims 7-11, and 13 stand rejected under 35 U.S.C. 102(b) as being anticipated by Yamamoto et al. (U.S. Patent No. 6,105,302, hereinafter "Yamamoto '302"). This ground of rejection is traversed, at least because Yamamoto '302 fails to teach all the claim limitations, as discussed below.

For instance, Yamamoto '302 cannot properly be relied upon to teach the synthetic resin body, as claimed. In this regard, Applicant notes that Yamamoto '302 teaches that end grip section 2, which the Examiner analogizes to the claimed reinforced tubular body, has "a handle 4 mounted on its portion which is smaller is diameter than the read end portion." *See* Yamamoto '302 at col. 3, lines 31-35. Further, the handle 4 is described as comprising "a foregrip 41, butt grip 42, and a reel seat 43 provided between the foregrip 41 and the butt grip 42. *See* Yamamoto '302 at col. 3, lines 53-55. Thus, the end grip section of Yamamoto '302 is merely taught as including both the butt grip and the reel seat. However, Yamamoto '302 does not teach that the either the butt grip or the reel seat are integrally molded with the end grip section.

As a result, Yamamoto '302 does not teach or suggest *at least* the feature of the "synthetic resin body which is integrally molded with an outer side of the tubular body", as recited by claim 7. Accordingly, reconsideration and withdrawal of the rejection of claim 7 is requested. Further, claims 8-11 and 13 are believed to be allowable at least by virtue of depending from claim 7.

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Claim Rejections - 35 USC § 103

Claims 1-4 and 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto '302 as applied to claims 7-11 and 13, and further in view of Wallace (U.S. Patent No. 3,778,916). Applicant respectfully traverses.

Claim 1 defines a fishing rod comprising, *inter alia*, a rod pipe; a tubular body to which the rod pipe is inserted and fitted; a tubular transparent synthetic resin body integrally molded with the tubular body; a concealing film formed on at least one edge face portion of the synthetic resin body; and a grip portion to which the tubular transparent synthetic resin body is fixed to through the concealing film.

In the grounds of rejection, the Examiner alleges that Yamamoto '302 discloses all the features of the previously recited form of claim 1 except "the material that make up the device are colored, opaque, transparent, translucent, etc." *See* Office Action at page 5. However, as discussed above with respect to claim 7, Yamamoto '302 fails to suggest a tubular resin body integrally molded with the tubular body.

Further, Applicant notes that the Examiner points to col. 1, lines 59-63 of Wallace, which describe a handle portion 12 of a fishing rod which is fabricated of a molded plastic material "which, for decorative purposes, may be transparent or colored." Thus, the Examiner alleges that it would have been obvious to combine the teaching of Wallace "as an obvious design choice in creating a preferable aesthetic appearance." *See* Office Action at page 5.

However, even assuming *arguendo* the Examiner's asserted motivation for combining Yamamoto '302 and Wallace is proper, the combination does not reasonably teach or suggest all the features of claim 1. For instance, Wallace merely teaches a handle for a fishing pole in

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which the fishing line is wrapped around grooves provided in the handle portion. *See* Wallace at col. 2, lines 38-40. Therefore, Wallace fails to suggest a tubular transparent synthetic resin body integrally molded with the tubular body, as claimed. Further, as noted above, Yamamoto '302 does not teach the feature of the tubular synthetic resin body being integrally molded with the tubular body. Therefore, neither Wallace nor Yamamoto '302, whether taken alone or in combination, teaches or suggests at least the feature of the tubular transparent synthetic resin body, as claimed.

Further, neither Yamamoto '302 nor Wallace teaches or suggests the feature of the grip portion, as claimed. For instance, claim 1, requires a grip portion "to which the tubular transparent synthetic resin body is fixed to through the concealing film." Applicant submits that the combined teachings of Yamamoto '302 and Wallace do not suggest this limitation.

Accordingly, the combination of Yamamoto '302 and Wallace fails to teach or suggest all the limitations of claim 1, and reconsideration and withdrawal of the rejection is requested. Further, claims 2-4 and 12 are believed to be allowable at least by virtue of depending from claim 1.

New Claims

In order to provide additional claim coverage merited by the scope of the invention, new claims 15 and 16 are added. Claims 15 and 16 are believed to be allowable at least by virtue of depending from claims 1 and 7, respectively.

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Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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